

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

CLIFFORD L. WILLIAMS.

Appellant

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DOCKET NUMBER WD77678

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

DATE: July 21, 2015

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Appeal From:

Circuit Court of Jackson County, MO  
The Honorable James F. Kanatzar, Judge

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Appellate Judges:

Division One  
James Edward Welsh, P.J., Thomas H. Newton, and Karen King Mitchell, JJ.

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Attorneys:

Laura Martin, Kansas City, MO

Counsel for Appellant

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Attorneys:

Robert Bartholomew, Jr., Jefferson City, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, Respondent, v.  
CLIFFORD L. WILLIAMS, Appellant**

**WD77678**

**Jackson County**

Before Division One Judges: Welsh, P.J., Newton, and Mitchell, JJ.

Clifford L. Williams appeals from the circuit court's judgment convicting him of driving while intoxicated as a chronic (intoxication-related) offender and driving while revoked. The circuit court found Williams to be a prior and persistent (felony) offender and sentenced him to ten years in prison on the driving while intoxicated count and to three years in prison on the driving while revoked count, with the sentences to run concurrently. Williams contends that the circuit court plainly erred in sentencing him because the court held a materially false belief that the minimum sentence applicable to the offense of driving while intoxicated as a chronic (intoxication-related) offender for a prior and persistent (felony) offender was ten years' imprisonment.

**Reversed and remanded**

**Division One holds:**

Because Williams's sentence for driving while intoxicated as a chronic (intoxication-related) offender was imposed by the circuit court on the mistaken belief that Williams was subject to a minimum term of ten years imprisonment, we reverse Williams's sentence and remand to the circuit court for resentencing. The State concedes that the circuit court was mistaken about the minimum sentence applicable to the offense and agrees that we should reverse the circuit court's judgment in regard to sentencing and remand to the circuit court for resentencing.

Opinion by James Edward Welsh, Presiding Judge

July 21, 2015

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